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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/748,817

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EXAMINER

USTARIS, JOSEPH G

ART UNIT

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2623

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	Application No. 09/748,817	Applicant(s) UCHIKOGA, HIROSHI	
	Examiner Joseph G. Ustaris	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7-11 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7-11 and 15-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____ |
|---|--|

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/23/2007 has been entered.

The objection to the claim 1 is now withdrawn in view of the amendments.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11, 16, 21, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al. (US006757482B1) in view of Sposato (US005781228A).

Regarding claim 1, Ochiai et al. (Ochiai) discloses a "multimedia information playback apparatus" (See Fig. 2). The received broadcast data dynamic editing system comprises "first input means" for receiving multimedia information including video data and audio data distributed from a HDD or "first distribution source", wherein the HDD is a storage device for storing multimedia information, and the HDD is on the "user side"

(See Fig. 2, system 100 and HDD 11; column 1 line 59 – column 2 line 7 and column 8 lines 42-61). The system also has a modem for receiving script data or “second input means for receiving control information comprising one or more instructions for reading multimedia information on the storage device” distributed from a second distribution source, wherein the second distribution source is a “network server” for distributing the control information (See Fig. 2, modem 1; column 5 lines 56-63 and column 7 line 66 – column 8 line 5). The received broadcast data dynamic editing system also serves the function as the “playback means” for playing back the multimedia information received by the first input means on the basis of at least one of the instructions of the control information received by the second input means, and wherein the playback means plays back the multimedia information which is distributed from the storage device and received by the first input means, on the basis of at least one of the instructions of the control information which is distributed from the network server and received by the second input means (See Figs. 2 and 5; column 5 lines 6-63 and column 9 lines 5-36). Furthermore, the received broadcast data dynamic editing system has a “first playback mode”, where the received broadcast data dynamic editing system plays back the multimedia information from the HDD or “storage device” on the basis of the broadcasting order or “control information” that is also broadcasted with the program and received by the “second input means” in order to be successfully delivered to the CPU (See Fig. 2; column 10 line 31-65). The received broadcast data dynamic editing system also has a “second playback mode”, where the received broadcast data dynamic editing system plays back the multimedia information from the HDD on the

basis of the script data or “control information” which is distributed from the network server and received by the second input means (See Fig. 2; column 10 line 31-65). The system further comprises a switching means (remote control) for switching a playback mode to either one of the “first and second playback modes” (See column 7 line 66 – column 8 line 5).

In addition, the playback means comprises: a first navigator unit (CPU 5) comprising a first program (script) for reading out the control information (broadcasting order) in the storage device by said second input means in the first playback mode, analyzing the readout control information, and controlling read of the multimedia information in the storage device in accordance with an analysis result (See above discussion and Fig. 2; column 10 line 31-65); wherein the first program (script) is stored in the multimedia information playback apparatus (See col. 5 lines 56-63).

Furthermore, the CPU also executes a second program (another script) for controlling read of the multimedia information in the storage device on the basis of the control information (script data) distributed from the network server in the second playback mode (See above discussion and Fig. 2; column 10 lines 31-65), wherein the second program is obtained from the network server (the scripts are also obtained from the server) (See col. 5 lines 56-63).

However, Ochiai does not disclose a second navigator unit.

Sposato discloses a similar multimedia playback apparatus (See Fig. 2). Sposato discloses that functions of the CPU are divided to another microprocessor or “second navigator unit” (See col. 9 lines 45-64). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the CPU disclosed by Ochiai to execute the second program using another microprocessor, as taught by Sposato, in order to free up the CPU to perform other functions thereby increasing the efficiency of the system (See col. 9 lines 45-64).

Claim 11 contains the limitations of claim 1 (wherein the system performs the method) and is analyzed as previously discussed with respect to that claim.

Claim 16 contains the limitations of claims 1 and 11 and is analyzed as previously discussed with respect to those claims.

Claim 21 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim.

Claim 22 contains the limitations of claim 11 and is analyzed as previously discussed with respect to that claim.

Regarding claim 23, Ochiai discloses that the received broadcast data dynamic editing system can receive its multimedia information from DVD-RAM (See column 6 lines 23-30). However, Ochiai in view of Sposato does not disclose that the first distribution source is a DVD-ROM.

Official Notice is taken that it will be known to provide multimedia information on a DVD-ROM. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the received broadcast data dynamic editing system disclosed by Ochiai in view of Sposato to be able to receive its multimedia information from DVD-ROMs in order to increase the compatibility of the system thereby enabling the system to accept a medium that is widely well known and established.

Claim 24 contains the limitations of claims 11 and 23 and is analyzed as previously discussed with respect to those claims.

Claim 25 contains the limitations of claims 22 and 23 and is analyzed as previously discussed with respect to those claims.

Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al. (US006757482B1) in view of Sposato (US005781228A) as applied to claims 1 and 11 above, and further in view of Kamo (US 20020057694A1).

Regarding claim 5, as discussed in claim 1 the user is able to switch playback modes based on whether the user wishes to view the multimedia information in broadcasting order or another order defined by the script data. However, Ochiai in view of Sposato does not disclose authenticating the "network server".

Kamo discloses a source information controlling system for a server and a client. Kamo discloses a session control unit that is used to authenticate the server and client in order to establish a connection (See Fig. 3; paragraph 0098). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the received broadcast data dynamic editing system and "network server" disclosed by Ochiai in view of Sposato to include a session control unit to authenticate the network server, as taught by Kamo, in order to ensure that the received broadcast data dynamic editing system connects with known and trusted servers.

Claim 15 contains the limitations of claims 5 and 14 and is analyzed as previously discussed with respect to those claims.

Claims 7, 9, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al. (US006757482B1) in view of Sposato (US005781228A) as applied to claims 1 and 11 above, and further in view of Dan et al. (US005561637A).

Regarding claim 7, the system generates script data or "control information" that is used to allow play back of the "multimedia information" on the received broadcast data dynamic editing system in various orders as discussed in claim 1 above. However, Ochiai in view of Sposato does not disclose generating "group management information for managing a plurality of users having similar personal information as one group".

Dan et al. (Dan) discloses that the server is able to multicast to a group of clients. The server selects a client to be a leader for a group of clients watching the same video or "generates group management information for managing a plurality of users having similar personal information as one group" and proceed to transfer the same data to all the clients within the group (See column 2 line 61 – column 3 line 6). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the "network server" disclosed by Ochiai in view of Sposato to be able to group the received broadcast data dynamic editing systems and generate "group management information for managing a plurality of users having similar personal information as one group", as taught by Dan, in order to increase the efficiency of the "network server".

Regarding claim 9, Ochiai in view of Sposato and Dan disclose that a video server utilizes and reserves channels or "plurality of channels" to transmit "multimedia

information", wherein the terminal apparatus/cable box "plays back multimedia information of a channel" that has been reserved or "corresponding to the control information" (See Dan Fig. 1; column 2 lines 36-49).

Claim 17 contains the limitations of claims 7 and 11 and is analyzed as previously discussed with respect to those claims.

Claim 19 contains the limitations of claims 9 and 11 and is analyzed as previously discussed with respect to those claims.

Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al. (US006757482B1) in view of Sposato (US005781228A) as applied to claims 1 and 11 above, and further in view of Brown et al. (US006732179B1).

Regarding claim 8, the received broadcast data dynamic editing system allows the user to select which script they wish to run or "change operation of the control information by a user" (See Fig. 2; column 10 lines 31-65). The received broadcast data dynamic editing system is able to play back the multimedia information on the basis of the selected script data or "control information" changed in accordance with user operation. However, Ochiai in view of Sposato does not disclose "determining whether to receive the change operation in accordance with personal information of the user".

Brown et al. (Brown) discloses a method and system for restricting access to user resources within a client, i.e. set top box (STB). Brown discloses that a user of a client logs in by entering a user's identity and a personal identification number (PIN) or "personal information of the user" in order to grant access to certain resources for the

user or "determining whether to receive the change operation" (See column 7 lines 22-40). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the received broadcast data dynamic editing system disclosed by Ochiai in view of Sposato to include a means to determine whether to allow users to enter change operations, using the "personal information of the user", as taught by Brown, in order to increase the security of the system thereby only allowing authorized users to change various settings.

Claim 18 contains the limitations of claims 8 and 11 and is analyzed as previously discussed with respect to those claims.

Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al. (US006757482B1) in view of Sposato (US005781228A) as applied to claims 1 and 11 above, and further in view of Mages et al. (US006035329A).

Regarding claim 10, Ochiai in view of Sposato does not disclose that the "control information" contains a program for checking user operation contents and executing the program when user operation is detected and plays back multimedia information corresponding to the user operation contents.

Mages et al. (Mages) discloses distributing full-length movies or "multimedia information" that includes parental rating controls. The full-length movies include "control information" that contains a program for checking parental rating controls or "user operation contents", and when user operation is detected during playback of the multimedia information, the DVD player runs the parental rating controls, and plays back

the multimedia information corresponding to the parental rating controls or “user operation contents” (See column 1 line 61 – column 2 line 13). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the program broadcast data disclosed by Ochiai in view of Sposato to include a parental rating controls program that “checks user operation contents and executing the program when user operation is detected and plays back multimedia information corresponding to the user operation contents”, as taught by Mages, in order the enhance the capabilities of the system by providing parental controls to users thereby making the system more versatile to a wide range of users ranging from kids to adults.

Claim 20 contains the limitations of claims 10 and 11 and is analyzed as previously discussed with respect to those claims.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 5, 7-11, and 15-25 have been considered but are moot in view of the new ground(s) of rejection.

Furthermore, applicant argues that the system of Ochiai relies on a single program to control playback operation. However, Ochiai discloses that several scripts are provided that control playback operation (See col. 10 lines 50-65).

Applicant further argues with respect to claims 7 and 17 that Dan does not disclose that any particular criteria or similar personal information are used to form the groups. However, reading the claims in the broadest sense, Ochiai in view of Sposato and Dan does meet the limitations of the claims. Dan discloses that the server selects a

client to be a leader for a group of clients watching the same video or “generates group management information for managing a plurality of users having similar personal information as one group” and proceed to transfer the same data to all the clients within the group (See column 2 line 61 – column 3 line 6). Users watching the same video is considered similar personal information.

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5 PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JGU

June 26, 2007



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